

# Nevada lawmakers agree to change anti-SLAPP law

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CARSON CITY — Members of the Legislature on Monday agreed to make changes to Nevada's strong anti-SLAPP law to ensure it can withstand a constitutional challenge.

Senate Bill 444, originally introduced on behalf of Wynn Resorts to make changes to the law — designed to protect people who speak out on public issues from frivolous lawsuits — will be amended to use a lesser standard of evidence to allow a case to proceed in court.

SLAPP is an acronym which stands for strategic lawsuit against public participation. Anti-SLAPP statutes allow those sued in First Amendment-type libel cases to get cases quickly thrown out in court unless the plaintiff could show a probability of prevailing.

Lawmakers from both houses and both parties, along with media representatives and lobbyists for Wynn, agreed with the changes, deemed necessary after the Washington state Supreme Court late last month found its anti-SLAPP law unconstitutional.

The Washington law used the same higher standard of evidence to allow a case to proceed in court. The court found that the “clear and convincing” standard violated a plaintiff's right to a jury trial. Nevada uses the same standard.

Members of a conference committee on SB444 agreed to use a lesser standard of evidence, called “prima facie,” to let a case move forward. The same standard is used in California.

Supporters of Nevada's statute were concerned that if the law was found unconstitutional, the state would have no anti-SLAPP law at all until the Legislature met again in 2017.

Many of the other changes in the original bill, which were criticized by media and public representatives as seeking to weaken Nevada's statute, are no longer in the measure.

The changes will become final when the Assembly and Senate sign off on the conference committee report.

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